

REMARKS

Claims 1-9 and 12-16 stand rejected under 35 U.S.C. §103(a) over *Park* (US 20000000244) in view *Hong Park* (US 19990055454), and further in view of *Becker et al.* (US 20010041600). This rejection is respectfully traversed, the claims being believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition, the applied references fail to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

The Patent and Trademark Office (PTO) admits that neither *Park* nor *Hong Park* suggests "wherein the sound providing means determines the tone-replacing sound based on an identity established in the associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time," and relies upon *Becker* to remedy the deficiencies of *Park* and *Hong Park*. Applicants respectfully disagree and based upon the arguments submitted below, a personal interview with Examiner Faragalla was held May 12, 2009.

Independent claims 1 and 2 recite a method a method of providing an arbitrary sound to replace a conventional time in a communication network, wherein a replacement ringback tone is transmitted to the calling sending terminal based upon interaction between a Home Location Register (HLR) a call-receiving exchanger, and a sound providing means. No processing is performed in the call-receiving terminal, nor is any tone supplied to the call-receiving terminal.

Becker, on the other hand, appears to only relate to a method for handling phone numbers in a mobile station, and more specifically relates to sending a determined ringing tone to the call-receiving terminal (*see* Abstract, paragraph [0025], and Fig. 2). The sending of ringing tone by *Becker* is distinguished from Applicants' sending of ringback tone in that the former is sent to the call-receiving terminal and the latter is sent to the call-sending terminal. Indeed, *Becker* discloses wherein all processing to determine and send the ringing tone is performed in the mobile station and neither

discloses or suggests performing this function in any other equipment of the communications network.

Applicants respectfully submit the above distinguishing features are not insignificant. Implementing the ringing tone selection method in a call-sending terminal to generate a ringback tone would be inoperable at least because the call-sending terminal would have no knowledge of what tone the call-receiving terminal would want to send. Accordingly, it would be a tone selected by the sender and not be based upon information for the call-receiving terminal, as recited in claims 1 and 2.

Therefore, because of the distinct system differences between a call-sending terminal and a call-receiving terminal, any allowable combination of references that includes *Becker* would only suggest that tones, e.g., ringing tone, transmitted to the call-receiving terminal may be selectable, and would not suggest selectable tones transmitted to the call-sending terminal, as recited by Applicants.

Accordingly, the recited methods of independent claims 1 and 2 are distinguished from the alleged combination of references because of the failure of *Park*, *Hong Park*, and *Becker* to disclose, teach or motivate at least "wherein the sound providing means determines the tone-replacing sound based on an identity established in the associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time."

Applicants appreciate the indications in the Interview Summary that based upon the arguments presented *supra*, the above claimed feature is distinguished over *Becker*.

Still further, on page 3, lines 18-21 of the outstanding Office Action, the Examiner posits that *Hong Park* discloses the recited second step of a call-receiving exchanger requesting a trunk connection to a sound providing means based upon first information of whether a called party subscribes to the service, and second information for informing a route to a sound providing means. *Hong Park* does not disclose this feature.

Referring to Figs. 7a-7c and its corresponding detailed description on page 5, *Hong Park* is configured such that a dial tone, etc., which a calling party desires to hear,

is set up as a table type in advance, and the calling party hears a message, music etc. set up in the table. *Hong Park* does not disclose ringback tone service based on information of the called party (first and second information), as recited by Applicants. *Hong Park* only appears to disclose a mechanism wherein a calling party can hear music or messages set up in their own table, and fails to disclose, teach, or suggest wherein any calling party information is pertinent to that mechanism.

Claims 3-7, 9-14, 16 and 17 depend from independent claims 1 and 2 and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10, 11, and 17 stand rejected under 35 U.S.C. §103(a) over *Park*, *Hong Park*, *Becker*, and further in view of *Chavez, Jr. et al.* (US 6,603,844). Applicants respectfully submit that, as discussed above, independent claims 1 and 2 are patentable over *Park*, *Hong Park*, and *Becker*. Chavez appears only to disclose sending an advertisement to a calling party instead of a normal ring back tone and fails to disclose wherein the tone is based upon "an identity established in the associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time." In other words, the tone generated is independent of any information pertaining to the calling party, let alone a tone specific to the call sending terminal classified by the call-receiving terminal.

Therefore, Applicants respectfully submit that *Chavez, Jr.* fails to remedy the deficiencies of *Park*, *Hong Park*, and *Becker* in regards to independent claim 1. Accordingly, claims 10, 11, and 17 are likewise patentable over the asserted combination of references at least in view of their dependence on either claim 1 or 2.

Withdrawal of the rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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